

ORDINANCE NO. 3109

BILL NO. 64 (2002)

A BILL FOR AN ORDINANCE RELATING TO THE  
PROTECTION OF CETACEANS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Findings and purpose. The Council finds that cetaceans (dolphins, porpoises, and whales) are highly intelligent—and highly sensitive—marine mammals. The Council further finds the presence of cetaceans in the Pacific Ocean surrounding Maui County provides many cultural, spiritual, and economic benefits to the County's residents. The Council also finds that prohibiting the exhibition of captive cetaceans is necessary to protect, preserve, and promote the health, welfare, order, and security of the community. Therefore, the purpose of this ordinance is to prohibit the exhibition of captive cetaceans.

SECTION 2. Title 6, Maui County Code, is amended to add a new chapter to be appropriately designated and to read as follows:

**"Chapter 6.01**

**PROHIBITING THE EXHIBITION OF CAPTIVE CETACEANS**

Sections:

Section 6.01.010 Definitions  
Section 6.01.020 Prohibition.  
Section 6.01.030 Violation-Penalty.

**6.01.010 Definition.** For purposes of this chapter, the following words and terms are defined:

"Captive" means confined, restrained, or kept under control.

"Cetaceans" includes dolphins, porpoises, and whales.

"Exhibit" means to put on public display, whether or not admission is charged.

**6.01.020 Prohibition.** It is unlawful to exhibit captive cetaceans.

**6.01.030 Violation-Penalty.** Any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars or imprisoned not more than one year or both."

**SECTION 3.** This ordinance shall take effect upon its approval.

hsed:misc:16abill01:dr

I, ROY T. HIRAGA, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 64 (2002) was passed on Second and Final Reading by the Council of the County of Maui, State of Hawaii, on the 6th day of December, 2002, by the following vote:


AYES: Councilmembers Alan M. Arakawa, Robert Carroll, G. Riki Hokama, Jo Anne Johnson, Michael J. Molina, Wayne K. Nishiki, Charmaine Tavares, and Acting Chair Dain P. Kane.

NOES: None.

EXCUSED: Councilmember Dennis A. Mateo.

I FURTHER CERTIFY that on the 9th day of December, 2002, said BILL NO. 64 (2002) was presented to the Mayor of the County of Maui for his approval or otherwise; that on the 23rd day of December, 2002, the Mayor returned said BILL NO. 64 (2002) without his signature; therefore, pursuant to Section 4-3 of the Charter of the County of Maui, said BILL NO. 64 (2002) was designated as ORDINANCE NO. 3109 of the County of Maui.

DATED at Wailuku, Maui, Hawaii, this 30th day of December, 2002.

  
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ROY T. HIRAGA, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Passed First Reading: November 15, 2002.

Effective Date of Ordinance: December 23, 2002.